

Derrick Holliday)
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 v.) ORDER
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 Warden, Jessica Symmes)

This matter is before the Court for consideration of the Report and Recommendation issued by the Honorable Franklin L. Noel, United States Magistrate Judge, on November 11, 2009 [Docket No. 14]. Petitioner, acting pro se, timely filed objections pursuant to Local Rule 72.2.

Based on a de novo review of the record, the Court adopts the Magistrate's Report and Recommendation.

Accordingly, IT IS ORDERED that:

1. The petition for a writ of habeas corpus is denied [Docket No. 1], and this action is dismissed with prejudice.
2. Pursuant to 28 U.S.C. § 2253(c), no Certificate of Appealability will issue because petitioner has failed to make a substantial showing of the denial of any constitutional rights.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 11, 2009

s/ JAMES M. ROSENBAUM
JAMES M. ROSENBAUM
United States District Judge